

City Council Agenda

Council President
Jerry Duncan

Councilmembers

Tom Boyajian
Brian Calhoun, Ph.D.
Mike Dages

City Manager
Andrew T. Souza

City Clerk
Rebecca E. Klisch, CMC

Henry T. Perea – Acting President
Cynthia Sterling
Larry Westerlund

Interim City Attorney
James C. Sanchez

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, signers, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650

The City Council welcomes you to this meeting.

MARCH 28, 2006

If you would like to speak fill out a speaker request form available from the City Clerk's Office and in the Council Chambers. The agenda is available on (www.ci.fresno.ca.us). The Council meeting can also be heard live at the same web site address, and viewed live on Cable Channel 96 from 8:30 a.m. and re-played beginning at 8:00 p.m.

8:30 A.M. ROLL CALL

Invocation by Councilmember Mike Dages

Pledge of Allegiance to the Flag

Ceremonial Presentations:

Recognition of Ideas Pay Award Recipients to Ed Pelkey, Gary Winkler and Robert Nickel – City Manager's Office

Resolution of Commendation to PG&E for donating 40 Carbon Monoxide Gas Detectors to the Fresno Fire Department for their Front Line Engine Companies – Fire Dept.

Proclamation of " VALLEY FIG GROWERS, INC. DAY" – Councilmember Dages

Council action on unscheduled items if any shall be limited to referring the item to staff for a report and possible scheduling on a future Council agenda. For each matter considered by the Council there will first be a staff presentation followed by a presentation from the project applicant. Testimony from those in attendance will then be taken. All testimony given will be limited to three minutes per person.

The three lights on the podium next to the microphone will indicate the amount of time remaining for the speaker. The green light will be turned on when the speaker begins. The yellow light will come on with one minute remaining and one tone will sound. The speaker should be completing the testimony by the time the red light comes on and two tones sound, indicating that time has expired.

Following is a general schedule of items for Council consideration and action. The City Council may consider and act on an agenda item in any order it deems appropriate. Actual timed items may be heard later but not before the time set on agenda. Persons interested in an item listed on the agenda are advised to be present throughout the meeting to ensure their presence when the item is called.

Approve minutes of March 14, 2006

Action Taken:

Councilmember Reports and Comments

Action Taken

Approve Agenda

Action Taken:

Adopt Consent Calendar

Action Taken:

1. **CONSENT CALENDAR**

(All Consent Calendar items are considered to be routine and will be treated as one agenda item. The Consent Calendar will be enacted by one motion. Public comment on the Consent Calendar is limited to three (3) minutes per speaker. There will be no separate discussion of these items unless requested by a Councilmember, in which event the item will be removed from the Consent Calendar and will be considered at 2:00 p.m.

A. **RESOLUTION** - Approving the Final Map of Tract No. 5129 and accepting dedicated public uses therein; authorize Public Works Director to execute the necessary documents (*Property located in District 6*) - Planning & Development Dept.

Action Taken:

B. Reject all bids for the construction of a new conveyor system at the Fresno /Clovis Regional Wastewater Reclamation Facility – Dept. of Public Utilities

Action Taken:

C. Reject all bids for the final clarifier-weir cleaning and adjustment at the Fresno /Clovis Regional Wastewater Reclamation Facility – Dept. of Public Utilities

Action Taken:

D. Authorize the Chief of Police to enter into and execute the agreement with the Office of Traffic Safety to accept fiscal year 2006 grant funds – Police Dept.

Action Taken:

1. **RESOLUTION** - 70th amendment to AAR 2005-286 appropriating \$90,000 for the Fresno Police Department's California Seat Belt Compliance Campaign (CSBCC) (*Requires 5 affirmative votes*)

Action Taken:

E. * Approve the acquisition of one (1) temporary construction easement for the placement of a sewer main in unincorporated area of Fresno County along Central Avenue between Cherry Avenue and Mary Street from property owners: Ylifonzo Gonzalez and Aurora F. Gonzales – Public Works Dept.

Action Taken:

1. **GENERAL CONSENT CALENDAR CONTINUED**

- F. * Approve the acquisition of street and irrigation easements at 5020 W. McKinley Avenue from property currently located in the unincorporated area owned by Diana M. Brown – Public Works Dept.
Action Taken:
- G. **RESOLUTION -** Approving the summary vacation of a portion of the relinquishment of access rights along the east side of Armstrong Avenue south of Michigan Avenue, **(Property located in District 4)** – Public Works
Action Taken:
- H. * Approve the agreement with Harris Construction for construction management services at the Fresno Convention Center – Public Works Dept.
Action Taken:
- I. * Approve the first amendment to agreement with Blair, Church & Flynn Consulting Engineers in the amount of \$90,100 to perform the federal documentation preparation, franchise utility coordination and acquisition of construction permits portion of the Herndon Ave. widening project between State Route 99 and Weber Ave. and Golden State Blvd. 400 feet north and south from Herndon Ave. **(Property located in District 2)** – Public Works Dept.
Action Taken:
- J. Approve appointment of Chris Mendoza-Howell to the Roosevelt Implementation Committee – Councilmember Dages
Action Taken:

3. **CITY COUNCIL**

- A. Request staff to provide Council information on surveillance cameras purchased since January 1, 2001, their purpose/use and the budget from which they were purchased - Councilmember Calhoun
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

9:00 A.M. A. **SCHEDULED COMMUNICATION –**

- B. **UNSCHEDULED COMMUNICATION** – Members of the public may address the Council regarding items that are not listed on the agenda and within the subject matter jurisdiction of the Council. Each person is limited to a three (3) minute presentation. Anyone wishing to be placed on an agenda for a specified topic should contact the City Clerk Department at least ten (10) days prior to the desired date.

9:15 A.M. **GENERAL ADMINISTRATION**

- A. Reports from the Finance Department:
1. Accept City of Fresno Comprehensive Annual Financial Report (CAFR) for Fiscal Year 2005 and related letter to management – Finance Dept.
Action Taken:
2. Presentation of the mid-year fiscal review report
Action Taken:
- B. **BILL – (For introduction)** - Amending Section 3-105 of the Fresno Municipal Code relating to advertised competitive bidding threshold – General Services Dept.
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

9:15 A.M.

GENERAL ADMINISTRATION CONTINUED

- C. * Approve agreement for the leasing of space by the City of Fresno from Cecil C. Hinton Center, Inc. for the purpose of providing recreation and community services to the citizens of Fresno – PR&CS
Action Taken:
- D. **BILL - (For introduction only – Discussion and action to be taken on 4/18/2006) –** Amending the Fresno Municipal Code relating to required installation of automatic fire extinguishing system for all occupancies – Fire Dept.
Action Taken:

10:00 A.M.

HEARING to consider Rezone Application No. R-05-28, and environmental findings, filed by John Allen on behalf of Image Homes, Inc., pertaining to approximately 4.80 acres of property located on the east side of N. Cecelia Avenue between W. Sierra and W. Ellery Avenues (***Property located in District 2***) – Planning and Development Dept. (***Continue to 4/4/06 @ 10:45 a.m.***)
Action Taken:

10:10 A.M.

HEARING regarding City of Fresno Community Facilities District No. 11, Annexation No. 1 – Final Tract Map No. 5357 (***Property located in District 2***)

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
- c. **RESOLUTION** - Declaring election results
Action Taken:
- d. * **BILL** - Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 1
Action Taken:

10:15 A.M.

HEARING regarding City of Fresno Community Facilities District No. 11, Annexation No. 4 - Final Tract Map No. 5338 (***Property located in District 2***)

Action Taken:

- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken:
- b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
- c. **RESOLUTION** - Declaring election results
Action Taken:
- d. * **BILL** - Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 4
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

10:30 A.M. HEARING to consider Rezone Application No. R-05-01, and environmental findings, filed by Anthony Pings on behalf of Wei-Shing Su, pertaining to approximately 4 acres of property located on the northwest corner of E. Herndon Avenue frontage and N. Orchard Street **(Property located in District 6)** – Planning and Development Dept.

Action Taken

- a. Consider and adopt Environmental Assessment No. R-05-01/C-05-16, Finding of Conformity to MEIR No. 10130 for the 2025 Fresno General Plan

Action Taken

- b. **BILL** – Amending the Official Zone Map to rezone the subject property from the R-A/UGM (*Single Family Residential Agricultural/Urban Growth Management*) zone district to the C-P/EA/UGM (*Administrative and Professional Office/Expressway Area Overlay/Urban Growth Management*) zone district.

Action Taken:

10:45 A.M. Annual update report on Empowerment Zone performance measures presented by Chairman of the Empowerment Zone Board of Directors, Frank Gallegos – Economic Development Dept.

Action Taken:

2:00 P.M. #1 **CONTESTED CONSENT CALENDAR**

2:00 P.M. #2 **CLOSED SESSION**

A. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION - Government Code Section 54956.9, Subdivision (a)

1. **Case Name:** *John Robert Bairos v. Fresno Police Department, et al.*

Action Taken:

3:00 P.M. Approve the addition of Pai-gow and 21st Century Baccarat to Club One Casino list of games – Councilmember Dages

Action Taken:

- a. **BILL (For introduction)** – Setting forth permissible games which may be played in card rooms under the City of Fresno Card Room ordinance

Action Taken:

3:30 P.M. **JOINT MEETING WITH THE REDEVELOPMENT AGENCY**

Approve Agency minutes of March 14, 2006

Action Taken:

A. Consider matters regarding purchases of property in the Southwest Fresno GNRA Redevelopment Project Area (Hope VI) - **(Property located in District 3)** – Public Works Dept.

1. **RESOLUTION** - Adopting the Environmental Assessment EA-RDA-05-02, a Mitigated Negative Declaration for the acquisition of twenty (20) parcels bounded by E. Atchison, S. Plumas, E. Florence and S. Walnut Avenues, within the Southwest Fresno General Neighborhood Renewal Area (GNRA) **(Agency Action)**

Action Taken:

2. Approve purchase and sale agreements for three (3) properties at 234 and 236 E. Geary and 105 E. Lorena Avenue and authorize the Executive Director to execute the agreements and take all actions necessary to accept conveyance and carry out the agreements **(Agency Action)**

Action Taken:

ADJOURN AGENCY

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

- 3:45 P.M.** **CONTINUED HEARING** to consider Community Facilities District No. 11, Annexation No. 2, Tract No. 5316 *(Property located in District 1)* – Public Works Dept.
Action Taken:
- a. **RESOLUTION** - Annexing territory to Community Facilities District No. 11 and authorizing the levy of a special tax
Action Taken:
 - b. **RESOLUTION** - Calling special mailed-ballot election
Action Taken:
 - c. **RESOLUTION** - Declaring election results
Action Taken:
 - d. * **BILL** - Levying a special tax for the property tax year 2005-2006 and future tax years within and relating to Community Facilities District No. 11, Annexation No. 2, Tract No. 5316
Action Taken:
- 4:00 P.M.** **RESOLUTION** - Proclaiming its opposition to the proposed Burlington Northern and Santa Fe Railroad and Caltrans Project seeking to create a double track through northwest Fresno - Councilmember Calhoun
Action Taken:
- 4:30 P.M.** Amending the Fresno Municipal Code relating to the regulation of dogs and cats in the City of Fresno – City Attorney's Office and PR&CS
- a. **BILL – (Exhibit A) (For Introduction)** – Amending the Fresno Municipal Code relating to animals at large and dangerous animals and adding Section 9-225 relating to the breeding, transfer and sale of dogs and cats
Action Taken:
 - b. **BILL – (Exhibit B) (For Introduction)** – Adding Section 9-225 to the Fresno Municipal Code relating to the mandatory spaying and neutering of dogs and the transfer and sale of dogs and cats
Action Taken:

SCHEDULED COUNCIL HEARINGS AND MATTERS

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| Apr. | 4 - | 8:30 A.M. | Presentation of Driver Appreciation Awards – Fresno Area Express |
| Apr. | 4 - | 10:00 A.M. #1 | HEARING re: Community Facilities District No. 2, Annexation No. 113, Tract No. 5442
<i>(Property located in District 5)</i> |
| Apr. | 4 - | 10:00 A.M. #2 | HEARING re: Community Facilities District No. 2, Annexation No. 114, Tract No. 5445
<i>(Property located in District 5)</i> |
| Apr. | 4 - | 10:00 A.M. #3 | HEARING re: Community Facilities District No. 2, Annexation No. 115, Tract No. 5446
<i>(Property located in District 5)</i> |
| Apr. | 4 - | 10:00 A.M. #4 | HEARING re: Community Facilities District No. 2, Annexation No. 116, Tract No. 5211
<i>(Property located in District 6)</i> |
| Apr. | 4 - | 10:15 A.M. | CONTINUED HEARING to consider a resolution of public use and necessity for the acquisition of a street easement and an irrigation easement from residential property located at 2167 N. Cornelia Avenue |
| Apr. | 4 - | 10:35 A.M. | CONTINUED HEARING re: Rezone Application No. R-05-106, and environmental findings, filed by Ethan Smith on behalf of Dale and Mary Mendoza and Lee Roy and Evelyn Weldon
<i>(Continue to 4/18/2006) @ 11:00 a.m.)</i> |
| Apr. | 4 - | 10:45 A.M. | CONTINUED HEARING to consider Rezone Application No. R-05-28, filed by John Allen on behalf of Image Homes, Inc. <i>(Continue to 4/18/2006 @ 10:45 A.M.)</i> |
| Apr. | 4 - | 2:15 P.M. | Update on "Let's go to College" Initiative – Councilmember Calhoun |
| Apr. | 4 - | 2:45 P.M. | HEARING re: Rezone Application No. R-05-101, filed by Yamabe & Horn Engineering, Inc. on behalf of Denise Gulian |
| Apr. | 4 - | 3:00 P.M. | JOINT RDA – Continued deliberations regarding amending the Chinatown Expanded Redevelopment Plan: |
| Apr. | 4 - | 5:00 P.M. #1 | HEARING re: Rezone Application No. R-05-22, Tentative Tract Map No. 5449, filed by Valley Pacific Builders, Inc. |
| Apr. | 4 - | 5:00 P.M. #2 | HEARING re: Plan Amendment No. A-05-06, Rezone Application No. R-05-35, filed by Sol Development Associates LLC on behalf of Kernback LP |

SCHEDULED COUNCIL HEARINGS AND MATTERS CONTINUED

Apr.	11 -	NO MEETING – EASTER BREAK	
Apr.	18 -	8:30 A.M.	Presentation of the P.R.I.D.E. Team Certificates (Reception immediately following – 2 nd floor foyer)
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Apr.	18 -	10:00 A.M.	WORKSHOP on East Fresno Water Issues
Apr.	18 -	10:30 A.M.	HEARING re: Community Facilities District No. 2, Annexation No. 110, Tract No. 5457
Apr.	18 -	10:35 A.M.	CONTINUED HEARING re: Rezone Application No. R-05-61, Centex Homes on behalf of Damrong and Somluck Pattanumotana (<i>Property located in District 4</i>)
Apr.	18 -	10:45 A.M.	CONTINUED HEARING to consider Rezone Application No. R-05-28, filed by John Allen on behalf of Image Homes, Inc.
Apr.	18 -	11:00 A.M.	CONTINUED HEARING re: Rezone Application No. R-05-106, filed by Ethan Smith on behalf of Dale and Mary Mendoza and Lee Roy and Evelyn Weldon
Apr.	18 -	2:30 P.M.	HEARING re: Rezone Application No. R-05-06, filed by Woodside Homes
Apr.	18 -	2:40 P.M.	HEARING re: Rezone Application No. R-05-40, filed by Lafferty Homes, Inc., and Robert Dominguez, Margaret C. Dominguez, Ronda Walk, and Harry and Dorothy Paul
Apr.	18 -	2:50 P.M.	HEARING re: Rezone Application No. R-05-57, filed by Artel Farms, Inc.
Apr.	18 -	3:00 P.M.	HEARING re: Rezone Application No. R-05-58, filed by Dirk Poeschel on behalf of Werner Graf
Apr.	18 -	5:30 P.M.	CONTINUED HEARING – Adopt a resolution designating Building 8, the Former Retail Shed of the Sugar Pine Lumber Company (Pinedale Assembly Center Site, Camp Pinedale) 7435 N. Ingram Avenue to the Local Register of Historic Resources
Apr.	25 -	4:00 P.M.	2005 Cycle 3 Plan amendments (Planning and Development Dept.
May	3 -	3:00 P.M.	Presentation of Employee Service Awards Certificates (Council Chambers) (Reception immediately following – 2 nd floor foyer)